

11-49-404 Contempt of the commission.

- (1)
- (a) The following actions constitute contempt of the commission in relation to actions and proceedings under this chapter:
 - (i) disobedience to a direction of the commission chair;
 - (ii) failure, without legal justification, to answer a question during a hearing when directed to do so by:
 - (A) the commission chair, unless the direction is overridden by the commission in accordance with Section 11-49-402; or
 - (B) a majority of the commission;
 - (iii) failure to comply with a subpoena or other order issued under authority of this chapter;
 - (iv) violation of privacy provisions established by Section 11-49-502;
 - (v) violation of the communication provisions established by Section 11-49-407;
 - (vi) violation of a request to comply with a provision of this chapter by a chair or a majority of the members of the commission; or
 - (vii) any other ground that is specified in statute or recognized by common law.
 - (b) Because the purpose of the Fifth Amendment privilege not to incriminate oneself is to prevent prosecution for criminal action, it is improper for a witness to invoke the Fifth Amendment privilege if the witness cannot be prosecuted for the crime to which the witness's testimony relates.
- (2)
- (a) The following persons may authorize an enforcement action against a person in contempt of the commission under the provisions of this chapter:
 - (i) the commission chair, subject to the provisions of Section 11-49-402; or
 - (ii) members of the commission, by means of a majority vote.
 - (b) In initiating and pursuing an action against an individual for contempt of the commission, the plaintiff shall comply with the procedures and requirements of Section 11-49-405.

Enacted by Chapter 202, 2012 General Session